

## MISCELLANEOUS.

## LYDIA E.



# PINKHAM'S

## Vegetable Compound

Is a positive cure for all those painful ailments of women.

It will entirely cure the worst forms of Female Complaints, all Ovarian troubles, Inflammation and Ulceration, Falling and Displacements, of the Womb, and consequent Spinal Weakness, and is peculiarly adapted to the Change of Life. Every time it will cure

### Backache.

It has cured more cases of Lencor-rhea than any remedy the world has ever known. It is almost infallible in such cases. It dissolves and expels Tumors from the Uterus in an early stage of development, and checks any tendency to cancerous humors. That

### Bearing-down Feeling

causing pain, weight, and backache, is instantly relieved and permanently cured by its use. Under all circumstances it acts in harmony with the laws that govern the female system, and is as harmless as water. It removes

### Irregularity,

Suppressed or Painful Menstruations, Weakness of the Stomach, Indigestion, Bloating, Flooding, Nervous Prostration, Headache, General Debility. Also

### Dizziness, Faintness,

Extreme Lassitude, "don't care" and "want to be left alone" feeling, excitability, irritability, nervousness, sleeplessness, flatulency, melancholy, or the "blues," and backache. These are sure indications of Female Weakness, some derangement of the Uterus, or

### Womb Troubles.

The whole story, however, is told in an illustrated book entitled "Guide to Health," by Mrs. Pinkham. It contains over 30 pages of most important information, which every woman, married or single, should know about herself. Send 2 two-cent stamps for it. For

### Kidney Complaints

and Backache of either sex the Vegetable Compound is unequalled.

All druggists sell the Vegetable Compound, or sent by mail, in form of pills or Lozenges, on receipt of \$1.00. Correspondence promptly answered.

You can address in strictest confidence, LYDIA E. PINKHAM MED. CO., Lynn, Mass.

## THANKSGIVING.

### A Proclamation.

BY THE PRESIDENT.

The American people gratefully render Thanksgiving and praise to the Supreme Ruler of the Universe who has watched over them with kindness and fostering care during the year that has passed.

They should also with humility and faith supplicate the Father of all Mercies for continued blessing according to their needs, and they should by deeds of charity seek the favor of the Giver of every good and perfect gift.

Therefore I, Grover Cleveland, President of the United States, do hereby appoint and set apart

Tuesday, the 29th day of November

Instant,

as a day of Thanksgiving and prayer to be kept and observed by all the people of the land.

On that day let our ordinary work and business be suspended, and let us meet in our accustomed places of worship and give thanks to Almighty God for our preservation as a nation, for our immunity from disease and pestilence, for the harvests that have rewarded our husbandry, for a renewal of national prosperity, and for every advance in virtue and intelligence that has marked our growth as a people.

And with our thanksgiving let us pray that these blessings may be multiplied unto us, that our national conscience may be quickened to a better recognition of the power and goodness of God, and that in our national life we may clearer see and closer follow the path of righteousness.

And in our places of worship and praise as well as in the happy reunions of kindred and friends on that day, let us invoke divine approval by generously remembering the poor and needy, surely He who has given us comfort and plenty will look upon our relief of the destitute and our ministrations of charity as the work of the heart truly grateful and as proof of the sincerity of our thanksgiving.

Witness my hand and the seal of the United States, which I have caused to be affixed.

Done at the City of Washington, on the first day of November, in the year of our Lord, eighteen hundred and ninety-four, and of the independence of the United States the one hundred and nineteenth.

GROVER CLEVELAND.

By the President, W. Q. GRESHAM, Secretary of State.

## STATE OF MAINE.

### A Proclamation by the Governor.

From its earliest history the State has annually set apart a day near the close of the year, to be observed in rendering thanks for God's goodness and mercy to us, as people. Therefore, I, Henry B. Cleveland, Governor of Maine, in accordance with this

revertment and honored custom, do hereby, with the advice of the Executive Council, appoint THURSDAY, the twenty-ninth of the present month, as a day of

### Thanksgiving and Praise to God.

Let it be observed by rest from secular employments, in the gathering of kindred at the family fireside, in cultivating a broad spirit of humanity, and in devout recognition, in our homes and places of worship, of the innumerable blessings bestowed upon our State and her cherished and beloved institutions.

Let also the gratitude of the people find expression in generously remembering the unfortunate, in cheering the sorrowful and in distress, that it may be a day of thankfulness in every heart and household.

Given at the Council Chamber at Augusta, this first day of November, in the year of our Lord one thousand eight hundred and ninety-four, and of the independence of the United States the one hundred and nineteenth.

HENRY B. CLEVELAND.

By the Governor, NICHOLAS FESSENDEN, Secretary of State.

## CASE AGAINST DR. HUGHES

All Day Hearing Before Judge Gould Yesterday.

### MARTIN J. MONAHAN'S IMPORTANT TESTIMONY.

Mary Dunn was Daughter of an Ex-Mayor of Leeds—Detailed Story of Her Last Hours and Death—Dr. Hughes Listens Calmly while the Government Case Develops—Hearing To Be Continued at 10 o'clock This Forenoon.

The preliminary hearing in the case of Dr. John B. Hughes, charged with the murder of Mary Dunn, began in the Municipal Court before Judge Gould yesterday forenoon. There was a large attendance of spectators, who remained throughout the proceedings. County Attorney True appeared for the State. For Dr. Hughes, Messrs. Symonds, Snow and Cook appeared at the request of Irving W. Parker, Esq., Dr. Hughes' attorney.

Dr. Hughes was given a seat in the dock during the preliminary proceedings but as soon as his case began, he had a seat near his counsel. He appeared cool and calm, showing no traces of excitement, even during those passages of testimony which seemed most damaging.

The hearing began when Mr. True, arising in his place, announced:

"In the case of the State against John B. Hughes, the State is ready to proceed, and I move the arraignment of the accused."

At this Judge J. W. Symonds arose and said that until a few days ago he had



MISS MARY B. DUNN.

known nothing of this case except what he had seen in the newspapers. A brother attorney, Mr. Parker, had been retained as counsel by Dr. Hughes, but was prevented by illness from attending. He had asked Judge Symonds to appear for him. This circumstance had given him little time for preparation; and if consistent with the proper conduct of the case he should like to have the case continued to a later date.

But Judge Symonds said he recognized that a man accused of murder and protesting his innocence must have a claim which will override any other professional engagements. So if the court deemed it proper he would go on and do the best possible under the circumstances.

To this County Attorney True objected. He said that at the adjournment the other day, when the case had been continued, he had insisted that the hearing should not be again postponed. He had a witness present from out of the State, and it would be inconvenient to defer the matter.

Judge Gould decided that, as the understanding had been that the case should be heard on this day, the hearing should proceed at once.

Dr. Hughes was then arraigned, the complaint being as follows:

Henry S. Trickey, on the ninth day of November, A.D. 1894, in behalf of said State, on oath complains that John B. Hughes, of Portland, in said county, on the second day of November, A.D. 1894, at said Portland, with force and arms, in and upon one Mary Dunn, feloniously, wilfully and of his malice aforethought, did make an assault, and the same Mary Dunn, then and there feloniously, wilfully and of his malice aforethought, did kill and murder, against the peace of the State, and contrary to the form of statute in such case made and provided.

To this complaint Dr. Hughes answered "NOT GUILTY"

quite positively.

County Attorney True then began saying that this was a charge of murder, the charge being that that result had been produced by a criminal operation. One Mary Dunn, of New Hampshire, came to this city, and after remaining here a few days, went to the office of Mr. John B. Hughes. It would be shown that while there a criminal operation had been performed. She then returned to her boarding place on Brown street, and after two or three days became ill. Tuesday morning Nov. 6 the landlady at whose house she was stopping deemed medical assistance necessary. Two physicians were summoned and as a result of their investigation the City Physician was called. The patient died Wednesday, after having made an ante-mortem statement, which would be produced. An autopsy had been performed on the body the results of which would also be shown. It would be shown that a criminal operation had been performed by Mr. John B. Hughes, and that death had resulted from that operation.

The witnesses were then called and sworn; and the examination began.

Dr. John F. Thompson, of this city, a surgeon at the Maine General Hospital and professor of diseases of women at Bowdoin Medical School, was called first and testified as to the autopsy held on the body of Mary Dunn, at the rooms of S. S. Rich & Son, the undertakers. Dr. Nickerson and a medical student, with assistants of Mr. Rich's establishment, assisted at the examination. The subject was a stout young woman of medium

height. She was light complexioned, much tinged with yellow as if jaundiced. The patient frothed some at the mouth. Dr. Thompson then proceeded to give a complete and technical description of the disclosures of this autopsy. His conclusion was that the woman had suffered from septic peritonitis, dying of blood poisoning ensuing upon an abortion. Dr. Thompson was then cross questioned by Judge Symonds at some length in relation to the existence of a small fibroid tumor, of an acute congestion of the kidneys, and of certain blood clots found in the heart. Then Judge Symonds asked:

"Did you discover anything to satisfy you as to whether such abortion was procured or was from an accident?"

"I did not."

"So, so far as anything which you learned, the abortion may have been brought about by natural or accidental cause?"

"It might."

"Did you discover any sign of the use of instruments?"

"I did not, but—"

"That will do, it answers the question. If there had been anything to show that the abortion had been made by mechanical means, could you have determined how long before death the operation had been performed?"

Dr. Thompson replied that there was much variation in such cases. In this case there was nothing to show more than that the abortion had occurred recently.

Mrs. Susan N. Pinkham of 37 Brown street was called, and testified that Saturday, Nov. 3d, she let a room to a nice appearing girl of 26. She was accompanied by a young man. The young woman had a valise with her, and later had other baggage come. The young man took meals with her on Sunday. The woman's name was Mary Dunn. On Sunday she went out of the house for a time. Monday she did not come to her meals. On Tuesday morning witness was told that the young woman was sick, and went to her room. There she found that Mary Dunn was very sick and had changed to a dark color. A physician was boarding at the house, and was sent to see the girl. He did so with Dr. Dodge. The two physicians told Mrs. Pinkham what they thought to be the trouble. Tuesday afternoon about 2 o'clock witness went to Mary Dunn's room and asked her to give the names of some of her folks, as it was desirable that her mother or others should be sent for.

Then the witness told the sick girl the conclusion to which the doctors had arrived, and frankly informed her that she was liable not to live until night.

"What effect did that have on her?" asked Mr. True.

"It

### CHANGED HER THOUGHTS.

"What did she do?"

"She cried and moaned, and asked me to send for the priest."

Witness then related how the city physician was sent for. When Dr. Nickerson arrived she had a conversation with him down stairs, and accompanied him to Mary Dunn's room. There she overheard his conversation with Mary Dunn.

It was at this point that the real legal battle began, for here Judge Symonds objected vigorously to the "severe and exceptional" methods of the government. The use of dying declarations in case of homicide was absolutely exceptional. The confusion, dilirium of mind of the patient could not be ascertained.

The utterances of the dying person could not be examined as we examine in court other testimony. The dying declaration must be made under the immediate apprehension of certain death, when no hope remained to the dying one. Unless it can be shown that these declarations were made under such circumstances, this evidence cannot be admitted. The belief in approaching death must be without hope.

Judge Symonds here read decisions to show the careful, almost superstitious pains which the courts use in England and America in regard to admitting such ante-mortem statements.

Unless the government could show stronger statements than had been introduced so far, could the court find beyond reasonable doubt that all hope had been extinguished in the mind of the patient, and therefore this very perilous evidence should not be admitted.

Mr. True replied to this by saying that two physicians having pronounced upon the case, and the girl having sent for a priest, there was good ground for believing that the patient believed death impending. If there ever was a case where dying declarations should be admitted it is in cases of this kind. Common sense should not be thrown aside. It is well known that in cases of this kind the

### ONLY POSSIBLE TESTIMONY

must be either from the one who performs the operation, or from the one upon whom it is performed. It being evident how narrow is the opportunity for proof, the dying declaration is in such a case all important. The examination of many cases where dying declarations have been considered by the courts, shows that, in spite of the adjectives and adjectives with which such testimony is guarded, the testimony is generally admitted. Mr. True cited a well known case where the courts had admitted a dying man's testimony, even when he had not been assured by a physician that death was impending. In the case now before the court the girl had been told on the authority of two physicians that she could not live, and being a Catholic she had sent for a priest. This was sufficient to show the patient's state of mind.

Judge Symonds dissented vigorously from this, saying that life would not be safe in any community where such testimony could be admitted as his brother brought in here. He was willing to consider this case in the light of common sense. In the case cited by his brother the dying declaration was part of the res gestae, and not the sole foundation for the accusation. In this case the attorney for the State proposes to sustain

his whole case upon the statement of a boarding house mistress. He has not even proved that a crime has been committed. The physician who made the autopsy has testified that he found nothing to show that a crime had been committed. My brother proposes to rest the dying declaration upon a condition of mind existing the day before the death of the patient, and when she was still under the care of several doctors. There is peril in every line of this testimony, peril for living, innocent persons. The testimony of a boarding house mistress should not be admitted. It is the business of boarding house keepers and nurses to hold out hopes of life, not to give warnings of death, which belong to the physician.

### JUDGE GOULD SAID

that he did not quite agree with this view of the case. It was not necessary that the fear of death should be immediate.

A well known case in New York gives a guide for this case. There a dying Catholic sent for a priest, and this fact was accepted as evidence of a belief in impending death.

Judge Gould decided to admit the testimony.

Mrs. Pinkham then resumed her testimony. She said that when Dr. Nickerson came in, about 5 p.m., Tuesday afternoon, she accompanied him to Mary Dunn's room, where the following conversation took place between the doctor and the patient:

"What have you been taking?"

"Some pills."

"Did Dr. Hughes give you the pills?"

"He did."

"Did Dr. Hughes perform the operation?"

"He did, and then he prescribed."

County Attorney True continued the direct examination:

"At any time Tuesday did you send a telegram to any person?"

"Yes, to Martin Monahan."

"Do you know when this woman died?"

"About quarter past one Wednesday."

"Who removed the body from the house?"

"Mr. Rich."

The cross questioning then began, the witness replying that when Mr. Monahan and Miss Dunn came, they asked for two rooms and board.

I told them I had one room, which she took. He got a room across the street and came to take his meals at my house. She said that she was looking for housework, and would remain with me until she got employment. She went out to look for another room, and said that she would come back if she could not find a room to suit her better. She and Mr. Monahan went away, and in about an hour they both returned. Then she said she had concluded to keep the room. Mr. Monahan went across the street to his room. Mary Dunn came down to breakfast Sunday morning, and was at all the meals that day, and in the sitting room in the afternoon and evening. Witness did not think she was out of the house in the forenoon. Mr. Monahan was at meals that Sunday.

Mary Dunn was out of the house in the afternoon and evening, but could not say whether

### MR. MONAHAN WAS WITH HER.

Mr. Monahan went away at 3 p.m., Monday to Lancaster, as I understand. He was in Miss Dunn's room Monday, and was with her most of the time. He said she had a cold. Ginger tea was sent to her, with toasted bread; but she did not care for much. At quarter past one o'clock Dr. Hunkins, at witness's request, saw the patient. He very soon went out for a brother physician, Dr. Dodge. Dr. Nickerson came about 5 o'clock, remaining about fifteen minutes. He came again about 7 p.m., again in the night and the next forenoon.

Mary Dunn asked witness on Tuesday to send for the priest, but witness did not, leaving it to the doctors to send for one. Doctor Nickerson said at his first visit that he would like to remove her to the hospital and it was the idea that she would be removed.

Mrs. Pinkham said that when she found Mary Dunn's condition she tried to find the name of her parents, but the sick girl was silent. Then Mrs. Pinkham told her that the physician had said that she was liable not to live until night. Then Mary Dunn said she would not send for her mother, as she did not wish to bring disgrace on the family, she would rather send for her cousin, Mr. J. Monahan, as she was confidential with her, and would rather have him come than anyone else.

When told that she was liable not to live until night she showed emotion, but said nothing.

Dr. Nickerson said something about taking her to the hospital, and rather encouraged her, and told her not to feel badly, not to worry. This was because she was feeling so badly over what I had said. It was after his conversation with her as to the one who had treated her. Witness was also positive that Mary

Dunn had called for the priest before Dr. Nickerson arrived.

"Was not the fact that Dr. Nickerson had not considered the danger immediate, the thing that prevented your sending for a priest?" asked Judge Symonds.

"No."

Witness also said that although the patient was conscious almost to the time of her death she never repeated to her the request for a priest.

Witness had asked for Dr. Hughes as early as Tuesday morning.

"And you were so prejudiced against Dr. Hughes, that you wouldn't send for him?" asked Judge Symonds.

DR. HARRY M. NICKERSON, city physician, was next called. He told now he had received two calls, to Brown street, one about 2 o'clock and again at 3 p.m. He arrived there between half past three and four o'clock. Mrs. Pinkham accompanied him up stairs. Witness then described finding Mary Dunn lying on the bed, nervous, anxious, evidently having been crying, and of a yellow jaundiced hue. After ascertaining the condition of the girl he asked her as follows:

"Did Dr. Hughes perform this operation?"

"Yes," she replied.

"Did he give you any pills, powders or medicine to take?"

"Yes."

"Where are they?"

"I have taken them all."

After some general conversation in which he encouraged the patient, as is his custom, he prescribed medicine for her.

At about 8 p.m., he came again with Miss Crowley, the nurse. The witness then described at length the treatment which he gave the patient. At 11.30 p.m. he again was summoned, and found the patient about the same. At 8 a.m. Wednesday the patient was found much worse, and witness went for another physician to perform an operation; but when they were ready and arrived the patient was dead.

The direct examination being concluded Dr. Nickerson on cross examination related how he had given Mary Dunn encouragement on his first visit. Judge Symonds then asked:

"Do you say that Mary Dunn was entirely bereft of hope on that day when you saw her?"

"No, sir."

"Do you say that she did have some hope of recovery?"

"No sir."

Do you as a physician see any reason why a person in the condition of Mary Dunn at your first visit, might not have hoped for recovery?

This question Dr. Nickerson practically answered in the negative.

"Do you not think that at that time Mary Dunn had some hope of recovery?"

"I think she had some hope."

"You told her that you might pull her through, did you not?"

"Yes."

"You had expectation that she would get well?"

"No great expectation."

"You never said to her that there was never any hope of her recovery?"

"Yes."

"You never considered her in such immediate danger of death as to require of her an ante mortem statement?"

"No, sir."

MARTIN J. MONAHAN,

who was engaged to be married to Mary Dunn, and is a farmer and lumberman, of Lancaster, N. H., testified that he was third cousin of Mary Bridget Dunn, who had worked at Lancaster as a house servant. She told him some time ago that she was coming to Portland in the middle of the first week in November. He came to Portland Saturday, and saw her at the Preble House. Then the following occurred between the county attorney and witness:

"Have you ever seen this man here?" (pointing to Dr. Hughes.)

"Yes."

"When?"

"On Saturday."

"Where?"

"At his office."

"At whose request did you go there?"

"Mary Dunn's."

Mary Dunn left the Preble House about 5 o'clock Saturday night, and later at about 8.30 for good. Previous to leaving the Preble House he had been with Mary Dunn to Mrs. Pinkham's, and there arranged for board, etc. Sunday he went to the Catholic church with Mary in the forenoon, and in the afternoon went to ride on the cars.

On Saturday Mary Dunn had told him of her condition. On Monday forenoon she was very sick, having awful pains, and at her request he went to Dr. Hughes' office and told him how sick she was.

Continued on Sixth Page.

## MISCELLANEOUS.

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